

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

McAIRLAIDS, INC.

vs.

KIMBERLY-CLARK CORPORATION, ET AL.

Action No: 7:13CV00193

Date: 5/30/14

Judge: Michael F. Urbanski, USDJ

Court Reporter: Carol Jacobs

Deputy Clerk: Kristin Ayersman

Plaintiff Attorney(s)

Joshua Long, Frances Waller, Michael Hertz,
John Rottenborn, Nathan Evans, Joshua Treece

Defendant Attorney(s)

J. Pieter van Es, Kevin Oddo, Marc
Cooperman, Michael Krashin, Victoria Webb,
Kenya Pierre, Vicki Margolis – staff counsel

LIST OF WITNESSES

PLAINTIFF/GOVERNMENT:

1.

DEFENDANT:

1.

PROCEEDINGS:

Parties present again today by counsel. Pltf (Long) addresses housekeeping issues and responds to Cts questions from yesterday. Pltf addresses Tear Strength/Tesnile Strength. Pltf presents on Definite/Indefiniteness. Recess 10:41. Reconvene 11:04 Dft (van Es) responds. Ct directs parties to file supplemental authority addressing five cases discussed in open court. Pltf (Long) responds. Dft (van Es) has responds further. Pltf (Long) moves exhibits from 5/29/14 into evidence – Ct notes that not properly authenticated, demonstrative aids – no objection. Rec'd. Ct questions whether to make slides exhibits. Dft slides 1-55 from 5/29. Today 62&64. These will be docketed as demonstrative aids. McAirlaids has 1-148. Ct instructs parties to file slides used in arguments over last two days. Dft (van Es) addresses issue re summary judgment – embossed rolls. Pltf (Rottenborn) presents on discovery issues. Dft (van Es) responds re document issues. Ct will set new deadlines but discovery to move forward. Document production to be done by September 1. Parties to agree on other dates. New trial date beginning May 4, 2015 for two weeks. Recess 12:54 Reconvene 12:58 Ct recaps off record discussion re scheduling May 2015 trial date agreed to by parties, Sept 1 completion of document discovery. Dft (van Es) addresses German document of concern that they have requested from McAirlaids. Pltf (Rottenborn) responds. Oral order by Ct to make this available by June 10, 2014. Parties are stipulating that efforts will be made to obtain docs from foreign affiliates. Ct will clear motion to

compel based on that oral order and stipulation. Pltf (Rottenborn) addresses remaining discovery issues – those to be raised with Judge Ballou. Pltf (Long) addresses clarifying points on rolling issues. Ct asks parties to agree on dates today before they leave today.

Time in Court: 9:04-10:41, 11:04-12:54, 12:58-1:11 3 hours 40 mins